

U.S. Department of Transportation

Research and Special Programs Administration

MAY 3 1 2002

Washington, D.C. 20590

Ref. No. 02-0085

400 Seventh Street, S.W.

Mr. Michael R. Schick Regional Manager of Quality, Health, & Safety Brenntag Great Lakes, LLC P.O. Box 444 Butler, WI 53007-0444

Dear Mr. Schick:

This is in response to your March 20, 2002 letter regarding shipping paper requirements. Specifically, you ask if the additional information contained in the quantity ordered, quantity shipped, back order and packaging columns of your shipping paper is in compliance with the requirements contained in § 172.201(a)(4) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

The answer is no. Section 172.201(a)(4) states that the shipping paper may contain additional information concerning the material provided the information is not inconsistent with the shipping description and it is placed after the basic description required by § 172.202(a). Certain notations such as "RO" and a technical name or chemical group name for a generic description may appear before the proper shipping name (§ 172.203). Other information authorized before the basic description is the total quantity, and the type of packaging and destination marks (see § 172.201(a)(1)(iii), § 172.201(a)(4) and § 172.202(c)). example, shipping papers that are designed in a column format may have the quantity shipped and type of packaging, e.g., "19 drums" entered before the basic description. Other information must be entered on the shipping paper after the basic description. your shipping paper the quantity ordered and back order columns are presented prior to (to the left of) the column containing the basic description; and therefore, is not in compliance with the HMR.

I hope this satisfies your request.

Sincerely,

Transportation Regulations Specialist

Office of Hazardous Materials Standards



John

172,201

020085

Brenntag Great Lakes, LLC



BAH \$17.2.201 Shipping Papers 02-0085

March 20, 2002

U.S. Dept. of Transportation/RSPA (DHM-10) Research and Special Programs Administration

Fax: 202-366-3012 Attn: Edward T. Mazzullo

Dir. Office of Hazardous Materials Standards

Dear Mr. Mazzullo,

Per a conversation February 27, 2002 with Randy Kudzia of the Minnesota DOT I am representing our company Brenntag Great Lakes in a written request for a more formal decision the attached case #16292.

I am requesting an interpretation of the immediate concern that Minnesota DOT has with our shipping papers. I interpret that when reading left to right and up to down on a shipping paper that our basic description precedes the quantity order. Our Vice President of Operations Kevin Bagin and I have read the 172.201(a)(4) text and all text relating to shipping papers. Please review the attachments that were submitted to the Minnesota DOT in our response 2-19-02.

Thank you and don't hesitate to call me if you have any questions at 262-252-6146.

Sincerely,

Michael R. Schick

Regional Manager of Quality, Health, & Safety

michael R. Schick

Cc Randy Kudzia, Minnesota DOT Fax# 651-405-6060

Kevin Bagin Bill McLain DOT File

224 gt.01-02 Case # 16292

## **HM Package Inspection Program Report**

Minnesota Department of Transportation

1110 Centre Pointe Curve Mendota Heights, Minnesota 55120 (651) 405-6114

Inspection Date: 1/22/2002 Inspection Location Dock
SHIPPER INFORMATION: Census: 427/109 BRENN: AG GREAT LAKES LLC 2/30 ENERGY PARK DR SAINT PAUL MN
Facility Location: S.F.PAUL, MN
CARRIER INFORMATION: Census: 239039 American Freightways, Inc. Roseville, MN
PACKAGE INFORMATION:  DOT Shipping Description of FLAMMABLE LIQUID NOS 3 UN1993 PG III  FIM Class: 3 Flammable Liquid Qty & Unit: 1532 LBS  Package Type: 1A2 STEEL DRUM  Shipping # 343912 (1722/2002)  Ship Paper Type: Shipper  Number of Counts: 1  Citation: 172-201(a)(4)
Additional non-authorized information must not precede the basic description, "quantity ordered".
We are unclear of a violation because the Basic description (line #1) and Technical Description (line #2)
on our BL No. 343912 precedes our quantity
on our BL No. 37012 preceded on E. Kikoff + Co. Mfg ordered in (Line #4). The example from E. Kikoff + Co. Mfg from 7-13-93 you sent us is clearly different than from 7-13-93 you sent us is clearly different preceding
the basic description. In the next quarter we are expecting to the basic description. In the next quanty ordered column is on the
right side of the BL.  Reginal Manager of Quality, Brenty Breat  Inspector Number: MN0671  Inspector Signature: (LIXD2/Ft Date Signed)  Jake
Copy to be forwarded to the shipper.

Please sign and return by

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Tel: 651/405-6060

Fax: 651/405-6082



## Minnesota Department of Transportation

Office of Motor Carrier Services Mail Stop 420 1110 Centre Pointe Curve Mendota Heights, MN 55120-4152

February 6, 2002

Brenntag Great Lakes LLC 2130 Energy Park Dr. St. Paul, MN 55108

Dear Shipper:

During a recent review of hazardous materials shipments conducted at a motor carrier facility, a shipment originating from your company was found to be in violation of Federal hazardous Materials Regulation (49CFR 100-177), as adopted under Minnesota statute.

A copy of the inspection report form identifying these violations is attached. Please review and certify that all violations noted on this report have been corrected by you and that action has been taken to ensure future compliance with applicable regulations. Sign, date, and return this form to the address shown at the top of the inspection report form.

Please call the Minnesota Department of Transportation's Hazardous Materials Enforcement Unit at (651) 405-6117 if you have any questions concerning the violations listed. Thank you.

Sincerely,

Enforcement Supervisor

An equal opportunity employer